

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



October 3, 2003

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

***Re: Ex Parte Contact with FCC Staff in CC Docket Nos. 02-33, 95-20, 98-10***

Dear Ms. Dortch:

Pursuant to Sections 1.1206(b)(2) of the Commission's Rules, the California Public Utilities Commission (CPUC) and the People of the State of California submit for filing this notice of recent ex parte communications with FCC staff. The ex parte communication was oral and occurred during meetings at the Commission on September 24 and 25, 2003. On September 24<sup>th</sup>, Tom Long, Advisor to Commissioner Loretta Lynch of the CPUC, met with Lisa Zaina, Senior Legal Advisor to Commissioner Adelstein. On September 24<sup>th</sup>, Mr. Long and Commissioner Lynch met with Bill Maher, Chief of the Wireline Competition Bureau. On September 25<sup>th</sup>, Commissioner Lynch met with Commissioner Adelstein and his advisor, Scott Bergman.

In those meetings, Commissioner Lynch and Mr. Long explained the important work that the CPUC was doing to protect consumers of DSL services in California. They also noted California's pending appeal to the 9<sup>th</sup> Circuit of the Commission's cable modem order and suggested that the Commission delay any decision in this docket until that appeal is decided. They stated California's position that wireline broadband services meet the definition of telecommunications service and should not be reclassified as information services. They noted the many adverse collateral effects of such a reclassification, including removing wireline broadband services from the ambit of services that could be eligible for universal service support.

If you have any questions pertaining to this filing, please contact Tom Long at 415.703.4953.

Sincerely,

Ellen LeVine  
Principal Counsel

ESL:afm